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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,464	12/31/2001	Jacquelyn Martino	US0110684	4815

24737 7590 05/26/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,464

Applicant(s)

MARTINO ET AL.

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-13 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is issued in response to applicant amendment filed 3/24/05.
2. Claims 9-13 and 19-23 are amended. Claims 1-8 and 14-18 were canceled. No new Claims were added.
3. Claim Status: 9-13 and 19-23 are rejected. Claims 1-8 and 14-18 are canceled.
4. Applicant's arguments filed 3/24/05 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 9-13, and 19-23, are rejected under 35 U.S.C. 102(e) as being anticipated by Ali (US Patent Application No. 2002/0199194).

Regarding Claim 9, Ali discloses a video receiver comprising:

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an input for receiving content and a plurality of information items regarding the content (Paragraph 0027, lines 3-8, Ali);

a plurality of individual user profiles each defining preferences of a respective individual user (Paragraph 0027, lines 8-14, Ali); and

a recommender adapted to employ in combination the user profiles of a selected plurality if individual users when evaluating the information items to generate content suggestions for the selected users (Paragraph 0027, lines 14-22, and paragraph 0047, Ali¹).

Regarding Claim 10, Ali discloses a video receiver wherein the recommender employs in combination the user profiles of the selected plurality of individual users by averaging ratings for each rated attribute within the two or more individual user profiles (Paragraph 0030, lines 1-7, and paragraph 0047, lines 12-15, Ali).

Regarding Claim 11, Ali discloses a video receiver wherein the recommender employs in combination the user profiles of the selected plurality of individual users by:

applying limits within only one of the employed user profiles when searching for content suggestions (Paragraph 0031, lines 10-17, Ali);

weighting ratings for each rated attribute within one of the employed user profiles greater than corresponding ratings within other employed user profiles (Paragraph 0039, lines 6-12, Ali); or

weighting ratings for selected rated attributes within each of the employed user profiles greater than ratings for remaining rated attributes within each of the employed user profiles (Paragraph 0054, lines 1-7, Ali).

¹ Examiner interprets the aggregation of the users in a single list corresponds to the step of combining user profiles.

Regarding Claim 12, Ali discloses a video receiver wherein the recommender is adapted to selectively employ group profiles defined as a combination of user profiles of the selected plurality of individual users by employing user profiles of the selected plurality of individual users in combination when evaluating the information items to generate content suggestions (Paragraph 0047, Ali).

Regarding Claim 13, Ali discloses a video receiver wherein at least one of the individual user profiles employed combination when evaluating the information items to generate content suggestions is retrieved from another system (Paragraph 0042, Ali²).

Regarding Claim 19, Ali discloses a signal comprising:

a listing of content suggestions relating to content and a plurality of information items regarding the content (Fig. 2, 20, Ali),

wherein the user profiles of a selected plurality individual user profiles each defining preferences of a respective individual user are employed in combination when evaluating the information items to generate the listing of content suggestions for selected users (Paragraph 0075, Ali).

Regarding Claim 20, Ali discloses a signal wherein the employed user profiles are employed by averaging ratings for each rated attribute within the employed user profiles (Paragraph 0030, lines 1-7, Ali).

Regarding Claim 21, Ali discloses a signal wherein the employed user profiles are employed by:

individual suggestions (Paragraph 0034, Ali³);

² Examiner interprets the method of posting the information on a http, corresponds to generated on another system.

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applying limits within only one of the employed user profiles when searching for content weighting ratings for each rated attribute within one of the employed user profiles greater than corresponding ratings within other employed user profiles (Paragraph 0031, lines 10-17, Ali); or weighting ratings for selected rated attributes within each of the employed user profiles greater than ratings for remaining rated attributes within each of the employed user profiles (Paragraph 0054, lines 1-7, Ali).

Regarding Claim 22, Ali discloses a signal wherein group profiles defined as combination of the user profiles of a selected plurality of are utilized when evaluating the information items to generate the listing of content suggestions (Paragraph 0027, lines 14-22, Ali⁴).

Regarding Claim 23, Ali discloses a signal wherein at least one of the user profiles employed in combination when evaluating the information items to generate content suggestions is retrieved from a remote system (Paragraph 0031, Ali).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

³ Examiner reads the step of the user rating of programs provides the individual suggestion.

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

Applicant argues the Ali's reference fails to disclose "The program recommendations may also be based on aggregate data derived from profile, data supplied over the network by other users."

Examiner disagrees. By referring to paragraph 0032, lines 9-13, Ali's system disclose the method of aggregating data from other users. With respect to the data supplied over the network, this feature was not in the claims. Since the independent claims did not claim the data supplied over the network, Examiner will not give patentable weight to the argued feature.

Conclusion

Other Prior Art Made of Record

1. Ali (US Patent Application No. 2002/0199194) discloses an intelligent system and methods of recommending media contents items based on user preferences.
- 2- Gutta et al. (US Patent Application No. 2003/0066068) discloses an individual recommender database using profiles of others.

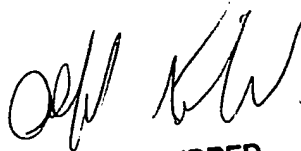
⁴ Examiner interprets the aggregation of the users in a single list corresponds to the step of combining user profiles.

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Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (571) 272-0413. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-0423. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
May 19, 2005


ALFORD KINDRED
PRIMARY EXAMINER